

The Freedom of Speech and Public Opinion

This section is the first of three where we discuss the external political pressures on governing institutions. These are public opinion, the media, and interest groups. Interestingly, each is tied into one of the participatory freedoms established in the First Amendment.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The right to speak freely allows one to discuss political ideas, which leads to the formation of opinions about current issues that can then be measured. The freedom of the press provides for the spreading of information about political matters, and the right to peaceful assembly and to petition government for a redress of grievances allows people to organize in order to enhance their ability to have their needs presented to government officials.

Collectively these freedoms allow for the development of a political domain that can place external pressures on government. In turn the pressures come from the general sentiment that exists in the broader society, the views expressed and communicated through the media, and the pressures brought to bear by concentrated interests and communicated to people in the government. This section focuses on the freedom of speech as articulated in the First Amendment and the manner in which that freedom has been defined and limited by the Supreme Court. We will also look at the way that public opinion acts as a driving force underlying politics.

Goals. After reading this section you should be able to address the following:

Define public opinion.

- Understand the development of the freedom of speech as well as the idea that people should be free to form their own opinions.
- What is seditious libel?
- What types of limitations on speech are acceptable and not acceptable? Why?
- What is the marketplace of ideas?
- Understand what role public opinion play in a democracy. Also understand how a republic modifies that impact.
- What governing institutions are most tied into public opinion? Which ones are immune? Why?
- What abstract principles do most Americans agree upon? What do Americans tend to disagree on?

- What is political socialization and what factors most influence the formation of people's attitudes?
- What is schema theory? What are stereotypes? What do they tell us about the way that people process information?
- How do public opinion polls work?

The Evolution of the Freedom of Speech.

Let's take a brief step backwards: The idea that people ought to be able to speak freely, and are free to form their own opinions -- especially about political matters -- is a relatively modern idea. It is also an idea that is not universally protected. Under British common law, [seditious libel](#) was a crime, punishable by life imprisonment. It was loosely defined concept that allowed the monarch the opportunity to suppress dissent. The term "seditious libel" referred to any attempt to bring the monarch and other government officials into contempt and ridicule, promote discontent between government and the people, or incite people to change matters of state. It did not matter that what was said was true, the overriding matter was the stability of the government and its standing with the general population.

Here's a definition that underscores the role that sedition played in maintaining the monarch's power:

Sedition in its modern meaning first appeared in the [Elizabethan Era](#) (c. 1590) as the "notion of inciting by words or writings disaffection towards the state or constituted authority". "Sedition complements treason and martial law: while treason controls primarily the privileged, ecclesiastical opponents, priests, and Jesuits, as well as certain commoners; and martial law frightens commoners, sedition frightens intellectuals." - Wikipedia

The idea that speech could be restricted in these systems was an expression of their hierarchical nature. If one lived in a class based system, and the preservation of that system was considered necessary for the stability of the political order, any challenge to that order could be punished. But a system based on the unalienable rights of the individual, one could argue, requires individual speech rights in order to ensure that these rights were in fact recognized.

British authorities -- correctly -- saw freedom of speech as a threat to their positions of privilege and commonly persecuted those who attempted to claim that right. For an example, read up on [John Lilburne](#). Central to this claim was a deeper claim that people have the freedom of conscience, or of thought. This can be defined as: "the freedom . . . to hold or consider a fact, viewpoint, or thought, independent of others' viewpoints." People are free to think believe things that are not sanctioned by government or any other entity. Historically, those who did not hold beliefs sanctioned by ruling authorities have been accused of [heresy](#). This pertains to religious belief, but if there is no distinction between religion and the state, heresy can be tantamount to treason.

Accusations of seditious libel in Britain were often tried in the [Star Chamber](#), which was a secret court controlled by the king (notable the Stuarts), and used against powerful political opponents. Charles I used the court regularly, which led to the institution's termination. This is almost certainly an overstatement, but the idea that people could speak freely and critically if they choose was enhanced by the fact that they could do so since the principle mechanism that had punished them no longer existed. Coupled with the eventual establishment of a (sort of) constitutional system -- in the [British Bill of Rights](#) following the [Glorious Revolution](#) -- the people of Britain, and by extension the North American colonies, were able to enjoy freedom of speech. Contained within the British Bill of Rights was a provision -- also contained in our Constitution -- that no member of the legislature could be questioned in any other place for speeches made on the floor of the legislature.

The balancing of executive power with an equally powerful legislature allowed for free speech to explode in Britain. And not only speech, but the other participatory rights: the press, peaceful assembly. and the right to petition for a redress of grievances. Coffeehouse, where people of all ranks could meet and discuss ideas, flourished, as did an early press which promoted the idea that public liberty and freedom of speech were one and the same.

As we will see, the freedom of speech and press - and to a lesser extent assembly - evolved together in Britain following the Glorious Revolution. Some of the strongest support for the evolution of free thought and speech was written in [Cato's Letters](#), published in the 1720s. Here is a key quote from one the letters:

"SIR, Without freedom of thought, there can be no such thing as wisdom; and no such thing as public liberty, without freedom of speech: Which is the right of every man, as far as by it he does not hurt and control the right of another; and this is the only check which it ought to suffer, the only bounds which it ought to know. This sacred privilege is so essential to free government, that the security of property; and the freedom of speech, always go together; and in those wretched countries where a man can not call his tongue his own, he can scarce call anything else his own. Whoever would overthrow the liberty of the nation, must begin by subduing the freedom of speech; a thing terrible to publick traitors." - Cato #15.

These letters, as well as many other items written during this era of British history were well read in the North American colonies and would form the basis for the establishment of free speech in the colonies - later the states - and in the Bill of Rights.

- Wikipedia: [Sedition](#).
- Wikipedia: [Blasphemy Laws in Britain](#).
- Wikipedia: [Freedom of Thought](#).
- Cato's Letter #15: [Of Freedom of Speech: That the same is inseparable from public Liberty](#).
- The Guardian: [Timeline: A History of Free Speech](#).

- [The Right and Capacity of the People to Judge of Government.](#)
 - [Of Indescreet Speeches.](#)
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The Freedom of Speech in the First Amendment.

"Congress shall make no law . . . abridging the freedom of speech."

Speech is considered to be one of the principle civil liberties enjoyed by Americans. As we know from previous lectures, there was no articulation of the rights of Americans -- or more properly said, protections of those rights from the national government (and later the state governments) -- in the original Constitution. Many state constitutions did establish that speech was a right not to be interfered with by the government, but as we know already, this language was not inserted into the U.S. Constitution because the framers thought it was unnecessary. The constitution was limited to delegated powers.

Again, from previous material, the Bill of Rights was added to the Constitution because it was necessary to earn the trust of the Anti-Federalists, bring Rhode Island and North Carolina into the union, and avoid a second Constitutional convention. The freedom of speech was included in what was originally the third amendment (the first two were not ratified) along with the freedom of conscience (which also failed): "no State shall violate the equal rights of conscience. In an irony, originally this only restricted the power of the national government, but once the 14th Amendment nationalized citizenship and mandated that states not violate the privilege and immunities of national citizens. This allowed citizens to challenge state laws and executive actions limiting speech in federal courts. As we will see, many cases establishing speech protections involve federal limitations on state laws.

- First Amendment Center: [Overview of the Freedom of Speech, Rodney Smolla.](#)
- Findlaw.com: [Freedom of Expression Speech and Press.](#)
- Findlaw.com: [Philosophical Basis.](#)
- Wikipedia: [Freedom of Speech in the United States.](#)

But we already know that civil liberties are not absolute. The freedoms in the Bill of Rights can be limited if it is determined that a particular use of those rights placed a harm on others. The trick is in determining when this has in fact occurred. The logic justifying this, and other, limits on civil liberties is based on [John Stuart Mill's Harm Principle](#). In [On Liberty](#), Mill argues that:

"... the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others."

The classic example of a limitation on speech is Oliver Wendel Holmes' prohibition against someone [falsely shouting fire in a crowded theater](#) and creating a panic. Justifying other restrictions can be more difficult. One of the more contentious recent example, which we discussed briefly in the previous section, concerns limits placed on speech in order to address imbalances in campaign funding. Campaigns are all about

getting ideas out and influencing the debate about political candidates and the direction of the country. While limits on campaign contributions might achieve certain goals, like ensuring that all ideas are on the table, it might harm others. Furthermore, political speech is considered a fundamental liberty. Consequently, it is given a higher degree of protection than other types of speech, such as commercial speech.

- Floyd Abrams: [Campaign Finance Restrictions Violate the Constitution](#).
- [Government Regulation of Commercial Speech](#).
- [The High Cost of Free Speech](#).

This tells us that not all speech is considered to be the same. It is easier to place limits on speech that wishes to sell something, than on speech intended to convey a political message or protect oneself. This also applies to limits on speech based on fighting words, libel, obscenity, or clear and present danger. Since these limits involve speech that is not considered a fundamental liberty, and are often intended to incite an action, restrictions -- or punishments -- are often found constitutional.

- For an explanation of the limits on obscenity see [Miller v California](#).
- For an explanation of the [fighting words doctrine](#), [click here](#). In a related case, read up on how the Supreme Court argued that a Virginia Law outlawing cross burning did not violate the right of free speech: [Virginia v. Black](#)
- For a fun recent case involving free speech in high school read up on [Morse v. Frederick](#).

Limits on political speech, which includes campaign advertisement and protest and can sometimes include language that is blatantly offensive, are much more problematic. Political speech is argued to be central to democratic governance, so it is given the highest protection from the courts. Laws restricting political speech are subject to [strict scrutiny](#), especially in regard to content. The courts tend to avoid placing limits on content unless there is a compelling interest to do so, generally this involves efforts to insure that harm does not follow from the speech itself. As with many court cases involving first amendment issues generally, free speech cases often pit a local or state powers against an unpopular minority, or the articulation of ideas and points of view the majority finds distasteful.

One of the more difficult cases involving this conflict was [Texas v. Johnson](#), which involved flag burning. A group of protesters burned an American flag on the steps of the Dallas City Hall and were arrested for violating a recently passed state law making such acts of desecration illegal. The court ultimately ruled that the act was symbolic speech containing a political idea, and that the Texas law - or any such law- violates one's First Amendment rights to engage in such speech. The 1960s case of [Tinker v. Des Moines](#) involved two high school students who wore black arm bands to school to protest American involvement in Vietnam. The school suspended them, but the Supreme Court ultimately argued that since they engaged in no disruptive behavior, the school could not punish them for engaging in political speech. Just recently, the right of the Westboro Baptist Church to have funeral protests where they celebrate the deaths of American

soldiers has been challenged, but again, the political nature of their speech has provided them protection: [Snyder v. Phelps](#).

In each case the court has to ask itself when does hateful speech cross the line and becomes dangerous? Does hateful speech create a hostile environment in a educational institution? Does it do so to the degree that government has an obligation to stop it? But they also have to balance this with the consequences of allowing limits on political speech to be sustained. Doing so can open the door to political suppression, and create what is called a [chilling effect](#) on speech which can lead people to censor themselves in order to avoid punishment.

For more background:

- [The Origin of the Compelling State interest Test and Strict Scrutiny](#).
- [Freedom of Speech, Permissible Tailoring and Transcending Strict Scrutiny](#).
- [Regulating Hate Speech](#)
- [Campus Codes](#)

Over the course of the 20th Century, the Supreme Court has fully embraced an expansive concept of free speech, including the right of the people to engage in offensive speech. By doing so they have chosen to err in defense of the ability of people to engage in full debate about whatever issues they choose to discuss. this embraces a concept cited by Oliver Wendell Holmes in [Abrams v. United States](#) called [The Marketplace of Ideas](#).

It's a concept we touched on when we discussed in an early lecture why a society might choose individual liberty over authoritarianism. Is there a tangible benefit in liberty over authority? We cited John Stuart Mill's idea in [On Liberty](#) that in a free society, where all ideas are able to be discussed in a public forum, a marketplace in the ideas about how best to address those issues develops. As a consequence of that debate, ideally, the best proposals will be accepted and implemented. Free open debate is necessary in order to either swap error for truth, or ensure a renewed appreciation for preexisting principles. Restrictions on free speech stifle the formation of public policy. Policy can best be formed after a full debate including consideration of multiple options to solve problems - and multiple opinions about those options are allowed to evolve.

Oliver Wendell Holmes put it this way:

"Persecution for the expression of opinions seems to me perfectly logical. If you have no doubt of your premises or your power and want a certain result with all your heart you naturally express your wishes in law and sweep away all opposition...But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas...that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out. That at any rate is the theory of our Constitution."

A decade later, Louis Brandeis wrote in his concurrence in [Whitney v. California](#) (1927): the "freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth."

Vibrant political discourse is seen as being essential to the health of the nation. This ensures the existence of a broad contentious public sector and guarantees that public opinion is part of the broader political climate.

What is Public Opinion?

Once the right of individuals to hold independent opinions and to articulate them is acknowledged and protected, then public opinion becomes an independent force that can impact - though as well see not necessarily determine - the course of public policy. Before we dig into this, let's attempt a definition.

[Public opinion](#) can be defined as the aggregate opinions held by a group of people. We can think of this opinion as being latent within a group of individuals, or expressed in some concrete material way, as answers to questions posed by pollsters or an election result. Latent opinion might be best described as the general sentiment that exists in a population, while a poll attempts to measure this sentiment in some scientific replicable way.

The term public opinion obviously builds on the term opinion. While "public opinion" refers to what a population thinks, "opinion" refers to what an individual thinks. The Wikipedia definition of opinion is "[subjective](#) belief, and is the result of [emotion](#) or interpretation of [facts](#)." It's a bit of a loose term and includes within it a variety of other, similarly loose, terms.

One of these is [values](#), which refers to (according to one of the definitions available in dictionary.com) as "the moral principles and beliefs or accepted standards of a person or social group." The idea of a [moral principle](#) suggest a degree of stability. It is what a person holds to be right or wrong. In a previous section, when we discussed ideology, it was defined as a set of positions on current issues based on underlying value. The value may be individual liberty, or equality of opportunity or condition, or any number of other basic principles that tend to be stable. A person's values may change as they age, but not radically. Values tend to be subjective so one need not have any material or objective reason for having a given value system.

A [belief](#) is similar. It is what one holds to be true, which may include a conviction to a value system, but may also refer to other more concrete things that might not have any objective foundation. One might believe that the earth is flat, or that heavy object fall to earth faster than lighter objects, or that the Texans may one day make the playoffs - or other foolish things - but that doesn't make them true.

An [attitude](#) is generally considered to be an individual's orientation towards a person,

place, thing, idea or anything else. Often these can be measured as being simply positive or negative as in do you approve or disapprove of the president, the governor, Congress or anything else. Researchers have devised ways to take more subtle measurements of these factors as well. Feeling thermometers have been developed to determine what score - from 1 to 100 - a person gives to a person place or thing being studied.

An opinion, to be specific, is considered to be what the brain produces when information is given to an individual who must then process it based on their pre-existing value system and taking into consideration their beliefs and attitudes related to the question presented. The answer to the question "should American troops be pulled from Afghanistan?" would require that those factors be taken into consideration prior to an answer being given. In actuality a public opinion poll asks about all these things (values, beliefs, etc . . .) so the word will be used expansively for our purposes.

Public Opinion in a Democracy

Not all governing systems incorporate public opinion into consideration in public policy formation, but even the most repressive has to bear in mind prevailing public sentiment. Autocratic and totalitarian regimes have to determine some cost effective way to ensure complicity among the population. Sometimes this can include [indoctrination](#) where the public is taught to accept an accepted set of beliefs. Communist and Nazi regimes, for example, were famous for requiring adherence to sets of principles and engaging in behaviors that trained reluctant citizens to comply, or be exterminated.

"Public opinion sets bounds to every government, and is the real sovereign in every free one. As there are cases where the public opinion must be obeyed by the government; so there are cases, where not being fixed, it may be influenced by the government." - [James Madison on public opinion](#):

In a democracy, public opinion is supposed to determine the direction public policy takes. If opinion drifts in a conservative direction, then policy drifts that way as well. If it drifts in a liberal direction then policy heads in that direction, if in a conservative direction, then the opposite happens. But as we know from Federalists #10 and #51, the United States is a republic, an indirect democracy, for the express purpose of ensuring that radical passionate shifts in public opinion, especially those driven by animosity towards a minority or individual, are checked.

The authors of the Constitution were concerned about the ability of the public to provide a solid foundation for government. They felt the public was too fickle and were subject to misinformation and demagoguery. As we know from previous sections, Madison thought that: *"The instability, injustice, and confusion introduced into the public councils, have, in truth, been the mortal diseases under which popular governments have everywhere perished"*

John Adams questioned the ability of the people as well: *The proposition that the people are the best keepers of their own liberties is not true. They are the worst conceivable, they are no keepers at all; they can neither judge, act, think, or will, as a political body.* -

John Stuart Mill thought that public opinion in a democracy can be dangerous and that the tyranny of the majority may be the most vicious one of all: *Where one can be protected from a tyrant, it is much harder to be protected "against the tyranny of the prevailing opinion and feeling". People will be subject to what society thinks is suitable — and will be fashioned by it.* – Wikipedia.

Madison, again, argued that public opinion in a democracy could be dangerous to the well being of minorities: “ . . . a pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual.”

As a consequence, the impact of public opinion on government is muted. In fact public opinion purposely plays a role in certain aspects of government and is restricted from others. Elected officials, those involved in the legislative process, have to pay close attention to public opinion because it can come back to haunt them at the polls. This means either that they vote in a manner that will be pleasing to their constituents or they determine the most effective ways to ensure that their votes will be interpreted in a way that will not harm them at the polls. Other institutions however, most notably judicial and bureaucratic institutions, are deliberately removed from the impact of public opinion because what they do often technical in nature and must be performed by experts and not be influenced by the whims of the public

Still, in a democracy, public opinion is supposed to determine the direction of public policy. But the relationship is complex, it is also a two way street. Public opinion drives governmental actions, but government – and political people in general -- attempts to influence public opinion. Educational institutions are often used to promote certain values, which leads to common acceptance of certain beliefs. Think about it: Why do you have to take this class? Is this class about education or indoctrination?

- [The Zone of Acquiescence](#).

How is Public Opinion Measured?

Public opinion, historically, has been measured in a variety of ways, but only since the 1930s has it been done "scientifically," that is in a systematic way with methods not only subject to scrutiny, but can be replicated. A [public opinion poll](#) is a systematic way to estimate the attitudes and opinions of a large group of people by drawing a representative sample of that group and asking them appropriately designed questions.

Polling has become ubiquitous over the past several decades. Almost all aspects of politics use polling to determine not only what public thinks about certain issues, but how their opinion might be manipulated.

The oldest of the polling organizations is [the Gallup Poll](#). It was founded in the 1930s by George Gallup who helped develop the random sampling process. A public opinion poll attempts to do something that sounds almost impossible. It attempts to determine, quickly, what the opinions of a large group of people are. The United States, for example, has over 300 million people. But these organizations have demonstrated that they are able - with admitted exceptions - to measure the attitudes of the general population. For proof we can look at their ability to predict election results within a margin of error. Here are links taking you to their accuracy

- Gallup: [Election Polls: Accuracy Record in Presidential Elections](#).
- Gallup: [Election Polls: Accuracy Record in Midterm Congressional Elections](#).

Again, with some exceptions, Gallup - and other polls as well - do a consistently good job measuring how people intend to vote in an election. This is especially good considering that sometimes people change their minds. It may well be that they measured even more accurately how people intended to vote, but were unable to pick up which people switched votes from one candidate to another, or decided to not vote at all.

Something seems to be working. Let's review the methodology the Gallup poll uses to conduct polls in order to get an idea about how they do it. First, it might be instructive to review the stunt George Gallup pulled to demonstrate the accuracy of his methods, and to call into questions that of a major course of public opinion in the early 1900s.

- [The History of the Gallup Poll](#).

[The Literary Digest Poll](#): The Literary Digest was an early popular magazine in the United States. As a publicity stunt, it began conducting [presidential polls](#), and did a reasonable job until it spectacularly predicted that Alf Landon would defeat FDR in the 1936 elections in a landslide. The opposite actually happened.

The [poll failed](#) for several reasons. Principle among them is that it drew its sample from its readers who tended to be wealthier than the average citizens in 1936 - when the country was still in the depression. They also drew names from telephone directories and automobile registration lists, which again were more likely to include wealthier people during that era. These people were more likely to vote Republican. The Literary Digest's sample was biased in the favor of the Republican, which made an incorrect prediction almost inevitable for the year.

George Gallup made his name by drawing a more representative sample, and not only correctly predicting FDR's re-election, but that the Digest would predict Landon. The trick is that he was able to develop a methodology for drawing a sample that had the same internal socio-demographic breakdown as the general population. Since the

process he developed has a degree of rigor and involves methods that if repeated by others will (or should) yields similar results, this is called scientific public polling. This distinguishes polls using rigorous methods from those that are informal and whose results are unreliable and generally meaningless. Gallup's methodology has been tweaked since (as is always adjusted to compensate for change) but here's their own brief description of their current process. To get an idea about how Gallup conducts their polls we can look at this text is pulled from a recent (as of this writing) poll Gallup conducted over [attitudes about the debt ceiling](#):

Survey Methods

Results for this Gallup poll are based on telephone interviews conducted May 5-8, 2011, with a random sample of 1,018 adults, aged 18 and older, living in all 50 U.S. states and the District of Columbia.

For results based on the total sample of national adults, one can say with 95% confidence that the maximum margin of sampling error is ± 4 percentage points.

Interviews are conducted with respondents on landline telephones and cellular phones, with interviews conducted in Spanish for respondents who are primarily Spanish-speaking. Each sample includes a minimum quota of 400 cell phone-only respondents and 600 landline respondents per 1,000 national adults, with additional minimum quotas among landline respondents for gender within region. Landline telephone numbers are chosen at random among listed telephone numbers. Cell phone numbers are selected using random-digit-dial methods. Landline respondents are chosen at random within each household on the basis of which member had the most recent birthday.

Samples are weighted by gender, age, race, Hispanic ethnicity, education, region, adults in the household, and phone status (cell phone only/landline only/both, cell phone mostly, and having an unlisted landline number). Demographic weighting targets are based on the March 2010 Current Population Survey figures for the aged 18 and older non-institutionalized population living in U.S. telephone households. All reported margins of sampling error include the computed design effects for weighting and sample design.

In addition to sampling error, question wording and practical difficulties in conducting surveys can introduce error or bias into the findings of public opinion polls.

[View methodology, full question results, and trend data.](#)

Let's build off this brief description by taking its major parts in turn. First, we should be clear about what a poll is designed to do. It is designed to provide quick, reasonably accurate information about what a specific group of people thinks about a particular issue, or set of issues. It can also be used to measure demographic information about a given population. The word "population" is crucial here because it points out that a poll is designed to measure a particular group of people and must determine some way to

effectively measure that group - and that group only - and do so in a way that is meaningful. If the study is about truck drivers, the sample must be drawn from truck drivers. The same thing if the study is about left-handed people, college graduates or whatever. This can be very difficult if someone wants to study voters, because this involves a degree of predictability since we don't know exactly who is going to vote. The best that can be done is determine how likely it might be that someone vote.

Here are some related concepts and some pitfalls.

A [random sampling process](#) is used to draw a sample from the population the researcher wishes to study. Generally 1,000 people (we call them respondents) are drawn from whatever population the pollster wishes to study. The word random is key here. The process used has to be unpredictable, no human hand can guide it. Any sample that is drawn in a non-random process will be subject to bias. People cannot select themselves into a sample (which is why call in polls are unreliable). Neither can the pollster select people into the poll because, again, that would lead to some degree of bias in who gets selected. Generally some type of random number generator is used to select respondents.

The theory is that in a truly random process, anyone in the population studies has the same chance to be drawn into the sample as anyone else. Ideally this leads to a sample that has the same socio-demographic breakdown in it that exists within the population studied. This means the same racial, gender, age and occupational breakdown as well as any other factor. This requires a sample of sufficient size to make this likely. Generally a sample of 1,000 respondents, is used and can provide a 95% chance that a reliable sample can be drawn. Since the sample is a subset of the population, the results can never be a precise measure of the population. Instead the results tend to lie within 3% points plus or minus, the actual opinions on a given issue. The greater the sample, the less the margin of error, the smaller the sample, the greater the margin of error.

Notice that the Gallup Poll states that it uses both landlines and cell phones to seek out respondents. At one point - once the use of phones became ubiquitous - all respondents could be reached safely through landlines. Landlines also provided the opportunity to ensure a proper geographical distribution of respondents. A quote could be established for each area codes throughout the country in order to ensure respondents were pulled from across the nation. With the proliferation of cell phones however, this becomes much more difficult. An area code on a cell phone is meaningless since the user can be anywhere. Cell phone users are also more difficult to convince to participate in a poll, but since they are distinct group - cell phone users tend to be younger, poorer, more mobile and more likely to be a member of a minority group than a landline user - they must be included in a sample if the sample is to in fact be representative of a population (unless of course the population is landline users).

- Read up on the controversy here: [Bypassed Cellphones: Biased Polls?](#)

in each case, the numbers are selected using [a random number generator](#) in order to ensure that the numbers selected are truly random and not subject to some pattern which could lead to bias.

But even if the polls are conducted randomly, the resulting sample can potentially not reflect the known socio-demographics of an area. When it comes to voting behavior - as we know from previous material - not all groups are equally likely to turn-out to vote. For this reason, samples are sometimes weighed (the answers of some respondents are given more weight than others) in order to ensure the sample does in fact fit the general population of reflect what we know about the tendency of certain groups to vote. Ideally, this should lead to a representative sample which is then given questions that provide meaningful accurate results. But mistakes can occur even then. Bias can distort results in a variety of ways.

Gallup points out that question wording can impact results. John Adams recognized this: "Abuse of words has been the great instrument of sophistry and chicanery, of party, faction, and division of society." Words, obviously, have meanings. Sometimes words can carry implicit political meanings that go beyond simple dictionary meanings. If these are not taken into consideration, a pollster may receive answers that are distorted due to negative - or even positive - connotations contained by the words. For example, pollsters have found that polls that ask for opinions about policies that benefit poor people find higher levels of support than they do for welfare policies. The differences in answers to what amounts to the same question is taken to be due to the negative attitudes people have towards "welfare" while they still support programs to help the poor. A similar thing happens when asked questions about attitudes towards "government" or "Washington." The former, while low, polls higher than the latter because it carries negative associations with national politics. If the consequences of value laden words are not taken into consideration, there is a risk that attitudes about an entity will not be properly measured.

- [The Language of Health Care 2009](#)
- [The Language of Health Care](#)
- [The Language of Financial Reform](#)

The nature of the answer options given to respondents can also distort results. Respondents have been shown to default to answer either "yes" or to the first option presented to them. Un biased results are often obtained by asking related questions in consecutive questions where the "yes" becomes the "no" and vice versa. Options are also rotated so that one option is not always the first - as in questions about preferred presidential candidates.

Years back, researchers noted a significant increase in the numbers of people who called themselves independents - not personally affiliated with either major party. While some took this at face value and began speculating about why support for parties was declining, other noted a change in how party id questions were being asked. Prior to the change respondents were asked if they were Democrats or Republicans or had no

preference. Afterwards they were asked if they were Democrats, Republicans or Independents. The latter question gave respondents the option to identify themselves as something substantial, rather than not have an identity at all. A subsequent study confirmed that the decrease in party id was a result of the change in question wording, not in actual party identification.

Question ordering has been shown to influence how people answer questions. In fact, sometimes the same people can be coaxed into giving different answers to the same questions simply because they have been framed in different ways due to the questions that were asked before it. The term "[framing](#)" is used to describe the context a question is presented within. Questions about funding certain public ventures can be answered differently depending upon whether the respondent is thinking in terms of taxes or the necessity of the service itself - such as health or education.

Various other factors can influence how people answer questions presented by pollsters. The point being that it is worth being a bit skeptical - but not too skeptical about the results one sees in public opinion polls. They can provide meaningful results, but they do demonstrate that public opinion is subject to change and manipulation.

Major polling organizations include:

- [ABC News](#)
- [American National Election Studies](#)
- [Associated Press](#)
- [CBS News](#)
- [CNN](#)
- [Gallup](#)
- [General Social Survey at NORC](#)
- [Wall Street Journal/NBC News](#)
- [Washington Post](#)
- [Fox](#)
- [Marist](#)
- [Pew Research Center](#)
- [PollingReport.](#)
- [Siena College](#)
- [Quinnipiac University](#)
- [WorldOpinion.org.](#)

Influencing Public Opinion

Given the flexibility of public opinion, and the technology available to both measure and shape it, it is little surprise that a vast industry has developed - inside and outside government - to manipulate opinion in their favor. Here we will review a variety of factors associated with this.

It is worth reminding ourselves that there is little new in this. Democracy, given its basis on the people, has always lent itself to the manipulation of public opinion. This led to some of the concerns the founders had about democracy. Here is Elbridge Gerry, speaking at the Constitutional Convention, on the subject:

" The evils we experience flow from the excess of democracy. The people do not want virtue, but are the dupes of pretended patriots. In Massachusetts it had been fully confirmed by experience, that they are daily misled into the most baneful measures and opinions, by the false reports circulated by designing men, and which no one on the spot can refute."

The money currently invested in shaping public opinion - generally by manipulating the press - is noteworthy. Presidential efforts to do so have evolved and expanded over time. Though no president has ignored public opinion, only in the early 20th Century did it become apparent that the media could become a useful tool for presidents. Theodore Roosevelt is argued to have been the first to integrate press strategies with his legislative efforts ([click here for an outline of his efforts](#), [and here](#)), and his cousin Franklin would later raise this to an art form.

The presidency is especially suited - given its singular design - to influencing public opinion, either by influencing the press or going directly to the public if available technology allows it. 20th Century presidents developed White House offices to handle the press ([the press secretary](#)) and communications in general ([the Communications Office](#)).

Whether the White House can in fact influence public opinion is a subject of scholarly debate. It is often argued that much of public opinion - for example regarding the direction of the nation - is based on economic factors beyond the immediate influence of the president. But it is believed that presidents take advantage of what is called a [rallying effect](#) - a temporary spike in approval numbers - that is often the consequence of military action. It is also believed - conspiratorially - that some presidents or presidential candidates wait until the last minute to release information, or work to prevent the release of information, in order to influence elections. These are called [October Surprises](#). More typically president's use strategically designed appearances and speeches to shift opinion in favor of his positions. One of the most well known of these is a constitutional power - the ability to give to Congress information on the state of the union. This power has not always been seen as an opportunity to sway public opinion, but since the advent of modern media technology - beginning with radio - presidents have seen these as opportunities to speak not only to Congress, but over their heads through the media to the public, in a process called going public.

Example: [The Permanent Campaign](#).

"governing with public approval requires a continuing political campaign"

It is worth pointing out that the executive branch has a design advantage over the

legislative branch in reaching out to the public and influencing collective opinion. Since it has a single leader, it is in a better position to send out a single message. The Congress cannot do the same since there is no single position that dominates the entire institution. It is bicameral, which means that the House and the Senate are distinct and often do not agree on specific issues. Each also contains a minority and majority party with separate leadership, as well as multiple committees, with committee chairs as well as vocal members of the rank and file that may choose to establish their own relationship with the public. Keep in mind also that the public most important to each member of Congress is their own electoral constituency in the district each was elected to represent. Variations in each district can make for a confused stance towards the public.

Recall that the federal judiciary is fully detached from the public and has no need - and indeed has no desire - to establish a relationship with it, or attempt to influence it. They are appointed, with Senatorial confirmation, to lifetime service, meaning that the public has no role in placing or keeping them in their positions. The judiciary is actually established to be able to make decisions that run counter to prevailing opinion since much of what they do is determine the extent of the rights of minorities and the more unpopular members of society. That said, since the judiciary has no mechanism for enforcing their decisions, they have to rely on the support of the other institutions - especially the executive - to enforce their decisions, which means that public opinion can impact the efficacy of those decisions. Decisions that run counter to prevailing public opinion can lead to a backlash, albeit often a slow lingering backlash as what occurred following the activism of the Warren Court.

The Rise of the Public Relations Industry

Almost hand in hand with increased attempts by the executive's to influence public opinion came the development of an entire industry devoted to the same. The [Public Relations](#) industry (also called the communications industry) is devoted to managing public opinion about its clients ([click here for wikipedia's history of public relations](#)). Specialists in public relations can be found in a many areas of government and politics. Often practitioners spend time in the media or government and are able to incorporate lessons learned in techniques designed to maintain the highest possible opinion for their clients, especially during times of crisis. It is typical for members of the industry to be part of a revolving door with time spent working with candidates, interest groups, government agencies and many other entities. Many individual with such experience start their own communications businesses.

Examples:

- [Karen Hughes](#).
- [Pierre Salinger](#).

Public Relations

Governments and political organizations attempt to influence public opinion in order to gain support for its policies. The White House, for example, has an elaborate communications office and uses it to shape how the press will cover certain events.

A press secretary meets regularly with a White House Press corp. The press are intended to monitor the actions of the executive and make vital events public, but there are questions whether the messages they send out are shaped - perhaps too strongly - by the White House

Public approval ratings are very important to presidents since they are a measure of the office's strength. A popular president can "go public" and go over the heads of a less popular Congress to convince the population of the merit of the president's policies.

- Demagoguery

Where do Opinions Come From?

Recalling Federalist #10, we have already touched on the origins of public opinion, and Madison painted an ugly picture. Opinions are formed by the combination of illogical reasoning and ego. Our opinions are ultimately driven by our self interest. Whatever positions benefit us, will determine what we believe.

If you recall from Federalist #10, James Madison had the following to say about the formation of public opinion:

"As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. . . A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for pre-eminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to co-operate for their common good. So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts. But the most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society. Those who are creditors, and those who are debtors,

fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views."

He is telling us that opinions form around interests, or at least how we perceived our interests. This allowed for manipulation of public opinion in the constitution by ensuring that a large number of interests would be represented at the national level. As a result, no one opinion could lead to the formation of one large, potentially tyrannous, faction. More on public opinion formation below. The founding generation is often described as being divided over both revolution and the nature of the constitution based on how each affected their individual interests.

The term '[Animal Spirits](#)' refers to the 18th century idea that people's attitudes, their day-to-day dispositions and moods, were affected by the fluids in their bodies. As [William and John Sutton write](#), "animal spirits" were "believed" "to govern not only sensation, but also memory, imagination, belief, passion and health. " [According to the Oxford English Dictionary](#), the obsolete definition of animal spirits is "the principle of sensation and voluntary motion; answering to nerve fluid, nerve force, nervous action." In other words, it was thought that animal spirits controlled almost everything that people said, did, and felt. – 18th Century Minds.

Contemporary researchers call the development of opinion about political matters [political socialization](#) and look to a variety of factors to determine what influences the way people develop their opinions. These four stick out primarily: families, peer groups, schools, and neighborhoods

Families: It should not be a surprise that families are key among the influences on the an individual's political socialization since parents - and the family in general - are the first and most immediate individuals that a child relates to. Parents communicate closely to their children and children tend to be receptive to their messages. It is natural to assume that parents influence a child's disposition towards political figures and policies, party identification and what tend to be the most important problems. Some evidence exists to support this, but family influence tends to depend on whether all members of the family have the same point of view on these issues. When parents identify with different parties, children tend to call themselves independents. There are arguments that this might help explain the recent rise in the numbers of people, especially young people, who identify themselves as independent. Studies have suggested that on some issues, children as they age develop positions at odds with those of their parents. Attitudes about race relations and same sex marriage are two examples, with children

tending to have more open positions on each than their parents. The strength of the family positions on issues seems to be a critical factor explaining parental influence. Children show evidence that they are likely to adopt their parents positions on issues they feel strongly about, but make their own decisions on whatever the parent is silent about.

- [The Family's Role in Political Socialization](#).

Peer Groups: Once a child becomes an adolescent, parental influence can wane and peer groups can become more important, even to the point of overriding a parent's initial impact on their opinions (for background read: [The Nurture Assumption](#)). The desire to fit in leads children as they age, and adults throughout their lives, to modify opinions to fit the group. This conclusion seems to confirm Mill's position on the influence of the majority on the individual. Some suggest that the peer group is so important that a parent's most significant impact on their children's behavior is helping to influence what set of peers they might associate with. Ferreting out the exact influence of the peer group can be complicated however because it may well be that individuals select certain peer groups to hang out with because they have a tendency to think their way on certain issues. Perhaps the peer group simply reinforces and confirms beliefs that are latent within an individual. This is a question asked by researchers that focus on the influence of [neighborhood effects](#). When people with one set of beliefs move to an area where another set of beliefs is dominant do they change their positions? Studies suggest they do.

One of the more interesting type of peer groups is a political generation, which refers to a group of individuals that were born during a particular era and were exposed to similar events during that time. A great example of such a generation is the [Baby Boomers](#), the people born from roughly 1946 - 1964, and were the children of the soldiers who fought in World War 2. They were the first generation born with no memory of the Great Depression or World War 2, and enjoyed the economic expansion of the 50s and 60s, but drove protests against the Vietnam War and segregation. While internal differences exist among members of this generation, many share common experiences and have a shared viewpoint about the world. Researchers argue that there have been over a dozen unique generations over American history and that changes in American politics can be understood as a consequence of the replacement of one generation with another. This suggests that policies change not because people change their opinions, but because a generation with one point of view dies off and is replaced with another generation with a separate point of view. Changes in policies about gender and race are great examples.

- [A Tale of Two Political Generations.](#)

Schools: Since people spend so much time in school, and since compulsory education has been argued to be essential to the preservation of the American Republic, it is natural to place schools as among the influences on political socialization. Schools have been used to indoctrinate young children in totalitarian countries, but this is not unheard of in democratic nations as well. Recall that the debate over the wisdom of the American Revolution and the ratification of the Constitution contained on all sides allusions to Roman history and the classical ideas of virtue. It was assumed that readers would be familiar enough with the allusions to understand the points the authors were trying to make. Jefferson argued that in order to expand the Republic schools would be necessary so that newer participants would have the wisdom necessary to rule effectively. But the content of political education was then, and remains, controversial.

Debate rages over whether education should attempt to ensure unconditional support for the nation, or allow for criticism. This debate becomes especially acute when episodes like slavery, the Civil War and the religiosity of the founding generation are discussed. The nature of the discussion tends to vary depending on whether the student is in elementary, junior or high school, or college. In elementary school the primary focus is to introduce students to the political symbols of America: the flag, some of the major presidents (Washington and Lincoln primarily), maybe the Statue of Liberty and Mount Rushmore, and of course in Texas we get the Alamo. Students learn basic patriotism, the Pledge of Allegiance and how to get along with others - a skill we tend to forget. As students age, the nature of the information received not only gets more detailed and factual, students get the opportunity to engage in democratic exercises. Elections and students councils begin to be regular features of student life and though the issues up for grab can trivial, the lessons learned revolve around the process. How does one run for - and win - an office? How does one make a decision about who to support? How are legislative meetings run? All these provide lessons for the next generation of leaders.

But the impact of K-12 is minimized by the fact that students still live at home and are exposed to the voices - be they parental or peer group - that place limits on any independent decision the student may make. This changes when - and if - the student goes off to college, especially if the student goes to school far away from home. Students tend to be exposed to individuals and situations that are unusual and they no longer have the counterweight of the parent or peer group. College, as a consequence, is argued to have a significant impact on a student's opinions. For a great historical study you might wish to check out [the Bennington College Study](#).

- [Political Culture](#): Traditionalist, Individualistic, Moralistic. [Daniel Elazar](#).
- Opinion Leaders: It matters who or what one receives the information from:
- [One Year Later, Americans Split on Healthcare Law](#)

Agreement and Disagreement in American Public Opinion.

A couple of centuries of debate about public matters in the United States has led to a public that agrees and disagrees on key issues. This is not a huge surprise, but researchers have discovered that it matters if people are measured on abstract or concrete opinions. People tend to agree on abstract questions, especially those that touch on basic American principles such as self government (democracy), individual liberty, and equality of opportunity. This makes sense considering that the US is based on principles articulated in founding documents and taught in schools. This might lead us to believe that some ideas are uniquely American

These can include the following:

- The Unalienable Rights
- Popular Sovereignty
- Democracy
- Self Rule
- Individual Rights
- Individual Freedom
- Equal Opportunity

Again, since these are articulated in the country's fundamental documents and reinforced by schools, families and peer groups the agreement we see should be no surprise, but we may ask whether these are sincerely held by individuals or is there pressure to conform to the tyranny of the majority. Disagreements tend to emerge when questions become more concrete.

As an example, we might agree that individual freedom is a fundamental value, but disagree about what specific things people should be free to do. Should drug use and sexual activity be personal choices, or can they be subject to societal rules? People may have different definitions of "freedom" and different places they draw the line between liberty and order.

What about the right to privacy? We might think that privacy is a good thing, but disagree over what we should have privacy to do. Another example: Is there really equal opportunity in America? Answers can differ based on personal experience

Some Random Findings

Ideology

- [Recent data from the Gallup Poll.](#)
- [Ideological Rankings of the States.](#)

Partisanship

- [Recent data from the Gallup Poll.](#)

Topical Issues

- [Most Important Problem.](#)
- [Presidential Job Approval Center.](#)
- [Americans Divided on How Things Are Going in Afghanistan.](#)
- [In U.S., Alternative Energy Bill Does Best Among Eight Proposals.](#)

Processing Information.

In this section we look at how information is (believed) to be processed cognitively. How does the brain handle information presented to it so that it can lead to opinion formation?

We like to think that we are rational creatures and that we objectively evaluate information presented to us and make decisions based on that information. The ability to reason is considered to be a defining trait of being human. A good amount of research about political behavior is based on the idea that human decisions are rational and all one need to is determine how different decisions will be made when choices are presented (such as always wanting more of something than less) and all human actions make sense.

But more recently it has been noted that people are not always rational. The concept of "[bounded rationality](#)" has been developed to determine how people make actual decisions in a real world that does not provide all the information necessary to make a fully formed decision. We already covered the idea that voting is not a rational act since it is statistically improbable that one will ever make the deciding vote in any election.

Why then show up? But many people do, and sometimes people vote against what might seem to be their economic self interest. Sometimes poor, blue collar people vote Republican though Republicans oppose unions, and social programs that benefit the poor. Sometimes wealthy individuals vote Democrat though Democrats tend to support higher taxes on them. Obviously each party stands for other positions that these individuals prioritize over economic issues, so these positions can be justified. Our concept of what is and is not a rational must be nuanced. But even our ability to objectively comprehend facts can be compromised.

Recent studies about what we see and can remember suggest that we often misremember what we are exposed to. Memories can also be distorted over time. The facts that we build our opinions at all may not be facts at all. One of the more troublesome examples of this is eyewitness testimony. Even individuals who have seen, and closely observed, the faces of people who are committing crimes against them have made mistakes in identifying perpetrators in lineups.

- [60 Minutes: Eyewitness: How Accurate is Visual Memory?](#)
- [Here is the result of a Florida study designed to address false eyewitness testimony.](#)

Quite often when we see something - or think we see something - we see only pieces of an event. We get isolated chunks of information that we must pull together somehow. So while our eyes and ears may give us some information, it is the brain that makes sense of it. This where things can get distorted, because our brains have preconceived notions about how the world works and it - often subconsciously - interprets sensory information to fit that preconceived notion. As a consequence, incoming sensory information tends not to lead to new ideas, rather, our pre-existing ideas condition how we interpret the new ideas. The facts we are exposed to can become somewhat loose in our minds. Instead of recalling what may have actually occurred at a given moment, we may instead remember what most confirms our pre-existing beliefs.

There are two concepts in psychology that illustrate these ideas: [schema theory](#) and [stereotyping](#).

Each builds of a simple reality. As we live our lives we experience day to day events and as a consequence build certain ideas and concepts that inform us about how the world works. It also builds upon the idea that we are "[cognitive misers](#)" that is, we like to make effective decisions with the minimal possible thought (kind like studying for tests). There is little need to think deeply about every decision we have to make. We take shortcuts. Since we do not wish to rethink how to live from scratch every day, we tend to use this built up information as a way to make otherwise complex problems simple. At

its simplest, this is a what schema theory builds up from:

“Schemata are an effective tool for understanding the world. Through the use of schemata, most everyday situations do not require [effortful](#) processing— [automatic processing](#) is all that is required. People can quickly organize new perceptions into schemata and act effectively without effort. For example, most people have a stairway schema and can apply it to climb staircases they've never seen before.” – Wikipedia.

This provides a very general description about how we handle the myriad of new, though familiar, situations life places us in. The concept of a stereotype applies this to how we approach different groups in society. A stereotype can be defined as:

“ . . . standardized and simplified conceptions of groups, based on some prior assumptions. Generally speaking, these ‘stereotypes’ are not based on objective truth, but rather subjective and often unverifiable content-matter.” – Wikipedia.

Though it may be unpleasant to recount, over the course of our lives we are exposed to the various groups that exist in the plural American landscape. Through various means, people acquire opinions about members of groups, not based on who they as individuals, but based on characteristics they ascribe to the group. As we know these can be based on race, gender, age, occupation, attractiveness, weight, residence, or any of dozens of categories we can place people into. As we observe an activity involving one of these individuals, we can infer certain things that may not be true in order to ensure that the observed action confirms what our schemata or stereotype tells us must be true.

Incoming information is often processed through “filters” that people have developed in order for them to make sense of the world. This means that different groups in society develop different attitudes about the same things. There is plenty of polling information that supports this idea. Attitudes, for example, about whether racism or sexism exists is often conditional upon the race or gender of the person asked. There is plenty of polling information that supports this idea.

In one of the more vivid examples, after O.J. Simpson's acquittal for the murder of his ex-wife polls showed that 2/3rds of white respondents to the poll thought he was guilty while 2/3rds of black respondents thought he was innocent. Given that the physical evidence presented against him was a bloody glove gathered by an officer known to have made racist statements, attitudes about the verdict came down to whether individuals thought it was conceivable that evidence could have been planted by the police.

- Read: [Heuristics: Shortcuts voters use to decide between candidates](#).

Is the Public Up to the Task of Government?

This last section allows us to go back to an early question asked in this class. Can the American public govern itself? Does the public have factual knowledge of politics, government, and current events?

Recent problematic polls:

- [More Than Half Still Say U.S. Is in Recession or Depression.](#)

While the people are to be sovereign in the American system, governments, and political organizations, actively engage in efforts to influence public opinion. Question: How easily can public opinion be manipulated? If it is easy, then what does this say for the democratic nature of our government?

Past written questions:

1. The freedom of speech is argued to play a special role in the American political system, what is that role? How did freedom of speech develop over history? Why? You might want to check out Cato's Letter #15.
2. Read up on the marketplace of ideas, see links below. The idea holds that competing ideas vie for each other in a marketplace and the best ideas will win out. Using this idea as a baseline, evaluate the current debate on a topical issue of your choice. How would rate the nature of the debate?
3. Using current polling organizations as your course of data (the Gallup Poll for example) what sorts of things do American agree and disagree on? Try to explain why.
4. Governing organizations actively attempt to mobilize public opinion behind their positions. How? Using current news items as your source of information, what techniques have different governing institutions used to mobilize public opinion on current topics and how successful have they been?